

RESOLUTION NO. 74378

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE BUDGET REPORT OF THE HOTEL BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2008-2009 AND LEVYING ASSESSMENTS IN THE BID FOR FISCAL YEAR 2008-2009

WHEREAS, the City Council of the City of San Jose established the Hotel Business Improvement District ("BID") pursuant to the California Parking and Business Improvement Area Law, California Streets and Highway Code §36500 *et seq.* ("Improvement Law") by Ordinance No. 27644, dated January 24, 2006; and

WHEREAS, under and pursuant to the Improvement Law, on May 6, 2008, the Council adopted Resolution No. 74349, declaring the Council's intention to levy the assessments for Fiscal Year 2008-2009 in the BID; and

WHEREAS, said Resolution No. 74349 was duly published, as provided by the Improvement Law; and

WHEREAS, as specified in Resolution No. 74349, a public hearing concerning the levy of assessments for Fiscal Year 2008-2009 was held before the Council on May 20, 2008, at the meeting beginning at the hour of 1:30 p.m. in the Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California; and

WHEREAS, no written protests against the levy of assessments or against any specified improvement or activity were filed with the City Clerk; and

WHEREAS, no oral protests were made at the hearing against the levy of assessments or against any specified improvement or activity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Council hereby finds that there were no written protests against the levy of assessments for Fiscal Year 2008-2009 and/or against any specified improvement or activity in the BID, and that there is no majority protest within the meaning of Section 36525 of Improvement Law.

2. The Budget Report for Fiscal Year 2008-2009 filed with the City Clerk pursuant to Resolution No. 74349 is hereby approved.

3. The Council hereby finds and determines that the businesses lying within the BID will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.

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4. The levying of assessments in the BID for Fiscal Year 2008-2009 in accordance with this Resolution is hereby authorized.

ADOPTED this 20th day of May 2008, by the following vote:

AYES: CAMPOS, CHU, LICCARDO, NGUYEN, OLIVERIO,
PYLE, WILLIAMS, REED

NOES: NONE.

ABSENT: CHIRCO, CONSTANT, CORTESE

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk